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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 3:14-CR-00184-JO

v.

RACHEL LEE,
BLANCY LEE,
aka BLANCY ADAMS,
PORSHA LEE, and
SAMANTHA LEE,

Defendants.

**PETITION FOR ADJUDICATION OF
INTEREST UNDER 21 U.S.C. § 853 BY
ANDREW RICH, AS COURT-
APPOINTED CONSERVATOR FOR
RALPH RAINES, JR. AND AS THE
PERSONAL REPRESENTATIVE OF
THE ESTATE OF RALPH RAINES, SR.**

1.

Andrew Rich is the court-appointed Conservator for Ralph Raines, Jr. and the Personal Representative of the Estate of Ralph Raines, Sr. (the “Estate”). On behalf of Ralph Raines, Jr., the Estate, and the Raines Tree Farm, LLC (the “LLC”),¹ Mr. Rich petitions this Court for an ancillary hearing pursuant to 21 U.S.C. §853(n). Mr. Rich asserts the interests of the Estate, Ralph Raines, Jr. and the LLC as innocent third parties with respect to all of the property which is listed on the Notice of Criminal Forfeiture (the “Notice”) filed herein. (ECF No. 106).

¹ Ralph Raines, Jr. is the sole member and owner of the Raines Tree Farm, LLC.

2.

The property listed on the Notice (the “Property”), and in which Mr. Rich asserts interests on behalf of Ralph Raines, Jr., the Estate and the LLC is as follows:

(1) REAL PROPERTIES:

(a) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachment and easements, located at **309 SE 1st AVENUE AND 126 S. KNOTT STREET, CANBY, CLACKAMAS COUNTY, OREGON**, and more particularly described as:

Parcel I:

Lots 8 and 9, ALBERT LEE'S SECOND ADDITION TO THE CITY OF CANBY, in the city of Canby, County of Clackamas and State of Oregon.

EXCEPTING THEREFROM the Southeasterly 46 feet conveyed to Edward Hiller and wife by Deed recorded April 5, 1937, in Book 200, Page 636, Clackamas County Deed Records.

Parcel II:

The Southeasterly 45 feet of Lots 8 and 9, ALBERT LEE'S SECOND ADDITION TO THE CITY OF CANBY, in the City of Canby, Clackamas County, Oregon, described as follows: Beginning at the Southerly corner of said Lot 8, on M Street; thence Northwesterly, along the Northeasterly line of M street, 46 feet; thence Easterly, at right angles to M Street, 100 feet to the Northeasterly line of said Lot 9; thence Southeasterly, on said Northeasterly line of Lot 9, 46 feet to the most Easterly corner of said Lot 9; thence Southwesterly, on the Southeasterly line of said lots, 100 feet to the place of beginning;

(b) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachment and easements, located at **422 SE 16th AVENUE, HILLSBORO, WASHINGTON COUNTY, OREGON**, and more particularly described as:

**Lots 3, 4 and the North one-half of Lot 5, Block 1, BROWNS
SUBDIVISION OF BLOCKS "H AND I" IN FAIRVIEW
ADDITION TO HILLSBORO OREGON, in the City of Hillsboro,
County of Washington and State of Oregon.**

Tax ID# R315260;

(c) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachment and easements, located at **1316 AND 1320 NE
BROADWAY STREET, PORTLAND, MULTNOMAH COUNTY, OREGON**, and more particularly described as:

**The West 40 feet of Lots 7 and 8, Block 226, HOLLADAY'S
ADDITION TO EAST PORTLAND, in the City of Portland,
Multnomah County, Oregon.**

**EXCEPTING the North 10 feet thereof taken for the widening of NE
Broadway Street. Tax Account No. R182408;**

(d) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachment and easements, located at **196 S.E. 3rd STREET,
BEND, DESCHUTES COUNTY, OREGON**, and more particularly described as:

**Lot 13 in Block 186 of THIRD ADDITION TO BEND PARK, City
of Bend, Deschutes County, Oregon;**

(e) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachment and easements, located at **260 S. KNOTT STREET,
CANBY, CLACKAMAS COUNTY, OREGON**, and more particularly described as:

**Part of Section 33, Township 3 South, Range 1East of The Willamette
Meridian, in the City of Canby, County of Clackamas and State of
Oregon, Described as Follows:**

**Beginning at a point which is North 26 West and 400 feet distant from
the Southeast corner of a Tract described in Deed Recorded January
16, 1884 in Deed Book "X", Page 169, Clackamas County deed
records; Thence North 26 West, 50 feet; Thence South 64 West, 125
feet; Thence South 26 East, 50 feet; Thence North 64 East 125 feet to
the place of beginning;**

(f) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachment and easements, located at **623 MAIN STREET, HILLSBORO, WASHINGTON COUNTY, OREGON**, and more particularly described as:

PARCEL I:

Commencing at a point on the South line of Lot 5 , Block 2, ENNES ADDITION TO THE CITY OF HILLSBORO, in the City of Hillsboro, County of Washington, State of Oregon, which point is 87 feet 7 inches West of the Southeast corner of Lot 6, said Block 2; running thence West, along the South line of Lot 5, Block 2, 65 feet; thence North 200 feet; thence East 65 feet; thence South 200 feet, more or less, to the place of beginning.

EXCEPTING THEREFROM that certain tract described in deed recorded in Book 165, Page 256, Records of Deeds of Washington County, Oregon.

TOGETHER WITH that portion of vacated alley running East and West through said Block 2 which inured thereto by reason of City of Hillsboro action entered December 12, 1900 in Book 2, Page 204 and recorded December 22, 1983, Fee No.83047308.

PARCEL II:

Situated in Section 31, Township 1 North, Range 2 West of the Willamette Meridian, City of Hillsboro, Washington County, Oregon and being a part of Lots 5 and 6 plus a portion of the vacated alley, all in Block 2, Ennes Addition to Hillsboro, a plat of record in said county, described as follows:

Beginning at the southeast corner of the Manley tract as described in Deed Book 216, Page 217, said County Records, common with the southwest corner of the Scheller tract as described in Deed Document No.95082331, and being on the north right of way of East Main Street, and running thence North 02°22'20" East, on the common line between aforesaid tracts, 211.17 feet to a point in the center of the vacated alley, said Block 2, Ennes Addition; thence South 86°43'50" East, in the center of the vacated alley, 85.45 feet to a point on the west line of that tract described in Deed Book 1046, Page 131; thence South 02°31'35" West, parallel with NE 7th Avenue, on aforesaid tract west line, 60.00 feet to the southwest corner thereof thence North 86°43'50" West 10.00 feet to a point; thence South 02°31'35" West 24.33 feet to a point; thence North 86°43'50" West 65.22 feet to a point; thence South 02°22'20" West, parallel to and 10.00 feet distant from the east line of the Manley tract as described in Deed Book 216, Page 217, said County Deed Records, 127.57 feet to a point on the

north right of way of East Main Street; thence North $82^{\circ}31'13''$ West, on said right of way, 10.04 feet to the point of beginning.

(This legal description was created prior to January 1, 2008.)

PARCEL III:

Parcel 1 of Partition Plat No. 2008-027, in the city of Hillsboro, Washington County, Oregon;

(g) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachment. and easements, located at **1180 NEWBERG HIGHWAY, WOODBURN, MARION COUNTY, OREGON**, and more particularly described as:

Part of George Leasure Donation Land Claim in Township 5 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, more particularly described as follows:

Beginning at the Northeast corner of Lot 1 of HALL'S HOME TRACTS; thence South $13^{\circ}24'$ West along the easterly line of said Lot, 140 feet; thence North $88^{\circ}30'$ West 48.0 feet; thence North $0^{\circ}45'$ East 135.0 feet to the North line of said Lot 1; thence South $88^{\circ}30'$ East 78.50 feet to the point of beginning;

(h) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at **50412, 50414, 50416, 50418 COLUMBIA RIVER HIGHWAY, SCAPPOOSE, COLUMBIA COUNTY, OREGON**, and more particularly described as:

Beginning at a point which is North $21^{\circ}00'$ East 1205.82 feet and North $70^{\circ}51'30''$ West 651.34 feet and North $3^{\circ}25'$ West 90.00 feet from the Southeast corner of the T.J. Jackson Donation Land Claim in Section 24, Township 3 North, Range 2 West. Willamette Meridian. Columbia County, Oregon, said point being the Northeast corner of the Raymond Miller tract as recorded in Deed Book 197, page 930; thence North $3^{\circ}25'$ West along the Westerly right of way line of the Burlington Northern Railway a distance of 190.16 feet; thence South $88^{\circ}01'$ West a distance of 98.75 feet to the Easterly right of way line of the Columbia River Highway; thence South $1^{\circ}59'$ East along said right of way a distance of 160.00 feet to the Northwest corner of said Miller tract; thence South $75^{\circ}46'$ East a distance of 107.81 feet to the point of beginning.

Property ID #0108 3N2W24-C0-00302

Tax Account #7400

(i) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at **3245 SHARP LANE, CLEARLAKE, LAKE COUNTY, CALIFORNIA**, and more particularly described as:

Lot 27 as shown on that certain map entitled "Walnut Additional to Clear Lake Highlands," filed in the office of the County Recorder of said Lake County on November 4, 1925 in Book 4 of Town Maps at pages 78 to 80 inclusive;

(j) All that lot or parcel of land, together with its buildings, appurtenances, improvements, fixtures, attachments and easements, located at **4922 OCEAN LANE, ELK GROVE, SACRAMENTO COUNTY, CALIFORNIA**, and more particularly described as:

LOT 133, AS SHOWN ON THE "SUBDIVISION NO. 04-784.01 OF MONTEREY VILLAGE", RECORDED IN BOOK 352 OF MAPS, MAP NO. 10, RECORDS OF SAID COUNTY.

(2) VEHICLES:

- (a) 2012 Ferrari California, VIN ZFF65TJA8D0189279;
- (b) 2012 Bentley Mulsane, VIN SCBBB7ZHXC016796;
- (c) 1955 Chevrolet Bel-Air, VIN VC550024100; and
- (d) 2012 Mercedes Benz 550, VIN WDDNG9EB4CA445894.

(3) UNITED STATES CURRENCY FUNDS OR OTHER MONETARY INSTRUMENTS:

- (a) Cashier's check no. 1111521340, in the amount of \$1,001,388.73, from Wells Fargo Bank Account ending in xxx8579 or the proceeds therefrom;
- (b) Cashier's check no. 862835, in the amount of \$899,580.38, from Columbia State Bank Account ending in xxx1074 or the proceeds therefrom;

(c) Cashier's check no. 862833, in the amount of \$1,396.51, from Columbia State Bank Account ending in xxx9334 or the proceeds therefrom; and

(d) \$36,450 in United States Currency.

3.

Mr. Rich alleges that the Property should not be forfeited to the United States Government, but rather should be restored to Ralph Raines, Jr., the Estate and/or the LLC.

4.

Defendants, through their fraudulent scheme as described in the Superceding Indictment (ECF No. 71), converted assets belonging to Ralph Raines, Jr., Ralph Raines, Sr., the Estate and/or the LLC. Ralph Raines, Jr., Ralph Raines, Sr., the Estate and the LLC were innocent victims of Defendants' unlawful activity.

5.

Defendants, by means of their fraudulent scheme, acquired the above-listed real property and vehicles with assets wrongfully taken from Ralph Raines, Jr., Ralph Raines, Sr., the Estate and/or the LLC.

6.

The currency and monetary instruments listed above represent funds wrongfully taken from Ralph Raines, Jr., Ralph Raines, Sr., the Estate and/or the LLC.

7.

The Estate, Ralph Raines, Jr. and the LLC have an equitable and/or legal interest in the Property.

8.

At the time that the United States Government seized the above-noted funds from Columbia State Bank account ending in xxx9334 (and at all relevant times), Ralph Raines, Jr. was listed on the account.

9.

Prior to the institution of the above-captioned proceeding, Ralph Raines, Jr. was at certain times an owner of record on the following real property listed on the Notice:

- (a) Ralph Raines, Jr. was a listed owner of the property located at 309 SE 1st Avenue and 126 S. Knott Street, Canby, Clackamas County, Oregon, pursuant to the Statutory Warranty Deed dated March 16, 2011 (Clackamas County Record No. 2011-018109);
- (b) Ralph Raines was a listed owner of the property located at 1316 and 1320 NE Broadway Street, Portland, Multnomah County, Oregon, pursuant to the Statutory Bargain and Sale Deed dated April 8, 2013 (Mult. Co. Record No. 2013-051699); and
- (c) Ralph Raines was a listed owner of the property located at 623, 635 and 641E Main Street, Hillsboro, Washington County, Oregon pursuant to the Statutory Bargain and Sale Deed dated April 4, 2013 (Washington County Record No. 2013-031971).

10.

Ralph Raines, Jr., Ralph Raines, Sr., the Estate and/or the LLC have a prior vested or superior right, title or interest in the Property and/or are bona fide purchasers for value of the right, title, or interest in the Property and were at the time of purchase reasonably without cause to believe that the Property was subject to forfeiture. Further, as described above, Ralph Raines,

Jr., Ralph Raines, Sr., the Estate and the LLC were and are innocent victims of Defendants' scheme and hold an equitable and/or legal interest in the Property, because funds wrongfully taken from them constitute the Property and/or were used to acquire the Property.

11.

Wherefore, Andrew Rich prays that this Court amend its order of forfeiture entered in connection with the Property and enter an order restoring such Property to Ralph Raines, Jr., the Estate and/or the LLC.

DATED this 22nd day of December, 2014.

STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

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Attorneys for Andrew Rich

DECLARATION OF ANDREW RICH

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

12-19-2014

Date



Andrew Rich, as Conservator for Ralph Raines, Jr. and Personal Representative of the Estate of Ralph Raines, Sr.

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served the PETITION FOR ADJUDICATION OF
REST UNDER 21 U.S.C. § 853 BY ANDREW RICH, AS COURT-APPOINTED
SERVATOR FOR RALPH RAINES, JR. AND AS THE PERSONAL
REPRESENTATIVE OF THE ESTATE OF RALPH RAINES, SR. on the following named
person(s) on the date indicated below by serving a true copy thereof:

- By Hand Delivery
- By Overnight Delivery
- By Facsimile Transmission
- By U.S Mail, contained in a sealed envelope, with postage prepaid, addressed to said person(s) at the last known address of each shown below and deposited in the United States Post Office on said day at Portland, Oregon.
- By E-Mail

AnneMarie Sgarlata
Assistant United States Attorney
United States Attorney's Office
District of Oregon
1000 SW Third Avenue, Suite 600
Portland, OR 97204

DATED this 22nd day of December, 2014.

STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

By: s/ Jennifer S. Wagner

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Jennifer Wagner, OSB No. 024470

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